

**REMARKS**

Claims 1-6 and 13-26 are pending in the application.

Claims 1-6 and 13-26 stand rejected.

Claims 1-6, 13-14, 16-19, and 21-26 have been amended.

**Formal Matters**

Unless otherwise specified in the below discussion, Applicants have amended the above-referenced claims in order to provide clarity or to correct informalities in the claims. Applicants further submit that, unless discussed below, these amendments are not intended to narrow the scope of the claims. By these amendments, Applicants do not concede that the cited art is prior to any invention now or previously claimed. Applicants further reserve the right to pursue the original versions of the claims in the future, for example, in a continuing application. Applicants assert that no new subject matter is added to the specification through the present claim amendments and additions.

**Rejection of Claims under 35 U.S.C. §112**

Claims 1, 2, 4, and 6 stand rejected under 35 U.S.C. § 112, second paragraph, as purportedly being indefinite. *See* Office Action, p. 2. Applicants respectfully traverse this rejection.

Claim 1 has been rejected for reciting “displaying controls including a first and [a] second button”, but does not positively recite the activating of the first and second button.” *Id.* However, Applicants can detect no ambiguity in the subject matter claimed due to a failure to positively recite the activation of the first and second buttons, and none has been pointed out by

the Office Action. Regarding claim 1, Applicants perceive no need to claim that the buttons are positively activated. Regarding claim 1, Applicants claim a method comprising certain responses to the activation of the buttons. Thus, for at least the reason that a failure to positively recite the activation of the first and second buttons represents no ambiguity and is not a failure to particularly point out and distinctly claim the subject matter Applicants regard as the invention, Applicants respectfully request the withdrawal of the rejection against claim 1.

Claims 2, 4, and 6 have been rejected for reciting “without user input,” with the Office Action stating that “it is not clear to one of ordinary skill what Applicants intend by this limitation, as Applicant has not limited the ‘user input’” such that “user input” could be understood to mean a variety of activities such as “turning on a computer, checking email, opening an application or a file[, etc.]” However, for at least the reason that claims 2, 4, and 6 do not merely recite “without user input” but recite “without user input specifying a date for the created expense item,” Applicants respectfully request the withdrawal of this rejection against claims 2, 4, and 6. One of ordinary skill in the art would be able to clearly distinguish the kinds of user input that specify a date for a created expense item from other kinds of user input that do not so specify.

*Rejection of Claims under 35 U.S.C. §102*

Claims 1-6, 13-26 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Vance, U.S. Patent No. 6,442,526 (“Vance”). *See* Office Action, p. 3. Applicants respectfully traverse this rejection.

Comments Concerning the Establishment of a User-Selected Activity Type

Regarding independent claims 1, 3, and 5, the Office Action cites the “new trip icon button 36[2]” discussed by Vance 11:41-59 as teaching the limitation of establishing a user-selected activity type for the activity item. However, in order to further clarify the claims in the interest of prosecution, Applicants have amended claims 1, 3, and 5 to recite that “the establishing comprises selecting a single type of activity from among a plurality of activity types.” Since the mere act of “energiz[ing] New Trip icon 362,” as taught in Vance 11:41-59 cannot teach selecting exactly one type of activity from among at least two (a plurality of) activity types, Applicants respectfully request the reconsideration and withdrawal of this rejection, for at least this reason.

Applicants note that, in its *Response to Argument* section, the Office Action “points to a trip activity log, figures 14A-S, 14U-X and 15A-G, expense report log, figure 16H, hotel item detail, figure 16E, meals detail, figure 16F, business entertainment, figure 14Q, bargain finder, figure 14Q, [allegedly] showing several activity and expenses types” in order to argue that Vance teaches establishing a user-selected activity type. *See* Office Action, p. 8. However, there is no indication or teaching in any of these citations either that (1) these alleged activity types are selected from a plurality of types, or (2) a single one of them is selected, as required by amended independent claims 1, 3, and 5. In fact, since the Office Action asserts that these citations identify “several” activity types, more than one of the alleged activity types is selected. Certainly, such is the case under the interpretation offered by the Office Action.

In addition, independent claims 1, 3, and 5 have been amended to require that “the user-selected activity type specifies an activity type of the activity item,” and there is, likewise, no indication that the activity types allegedly taught in the above citations specify the activity type

of the activity item. Even if the activity types allegedly shown in these citations are capable of being activity types of the activity item, there is no indication or teaching that they are, or that they function as, the activity type of the activity item. Not all activity types are, or function as, the activity type of the activity item.

No Evidence that Vance Inherently Teaches Consulting a Predetermined Mapping from Activity Types to Expense Types to Automatically Establish an Expense Type

Further, the Office Action cites Vance 8:66-9:10 in support of the proposition that Vance discloses the limitation of claims 1, 3, and 5 requiring use of “a predetermined mapping from activity types to expense types to automatically establish an expense type for the created expense item.” *See* Office Action, p. 4. However, as stated by Applicants in previous responses, it is clear that Vance 8:66-9:10 fails to mention or even suggest a predetermined mapping. Nevertheless, while Applicants reassert their previous arguments by reference to their previous responses, Applicants will not again belabor this point here since the Office Action appears to have abandoned attempts to make a serious argument that Vance 8:66-9:10 teaches a predetermined mapping from activity types to expense types. In its *Response to Arguments* section, the Office Action fails to discuss Applicants previous criticisms of Vance 8:66-9:10 and argues instead that figure 16A, which is discussed beginning in column 12 of Vance, “teaches a predetermined mapping from activity types to expense types.” *See* Office Action, p. 8.

The Office Action states that since figure 16A allegedly shows expense types and represents an “expense report log [that is] generated from the trip activity log [of] figure 15G” it follows that Vance teaches a predetermined mapping from activity types to expense types. However, even assuming that the positions taken in the Office Action are otherwise accurate, it does not follow from the fact that an expense report log is generated from a trip activity log that Vance teaches a mapping from activity types to expense types. Since Vance fails to explicitly

mention a mapping, the Office Action must be asserting that Vance teaches a mapping based upon the inherency of such a mapping, but the Office Action has provided no reasons, beyond conclusory statements, to support the assertion that the use of a map is inherently necessary for Vance to generate its expense report log. As quoted in MPEP 2112(V), it is stated in *Ex parte Levy*, 17 USPQ2d 1461, that:

In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.

(Emphasis in original.) The Office Action has not met this burden in regards to the use of a mapping.

In addition, the Office Action has provided no reasons, beyond conclusory statements, to support the assertion that it is somehow necessary for Vance to consult a predetermined mapping from activity types to expense types to automatically establish an expense type for the created expense item. To do so the Office Action would need to provide some reason demonstrating that it is necessary for, and somehow taught by, Vance to consult a mapping to establish the expense types of figure 16A. The Office Action has failed to do this.

#### Summary

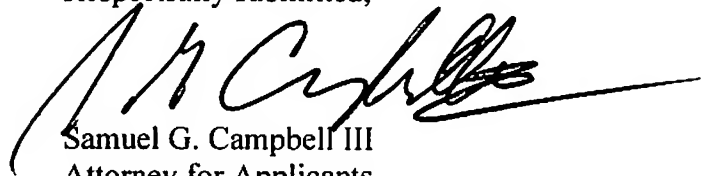
Thus, for at least any one of the above reasons, Applicants respectfully request the reconsideration and withdrawal of this rejection against independent claims 1, 3, and 5. Since all other claims are dependent upon claims 1, 3, and 5, Applicants respectfully request the reconsideration and withdrawal of this rejection against all claims.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5089.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Campbell III', with a long horizontal flourish extending to the right.

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